G.N.C
E.B.C

O.O.O
E. C. M

Commonwealth

Jerry } Albany
Curtis Reedy

1 ~~Daniel H. Whitmer~~
2 Chas. F. Myers
3 Samuel C. Gordan
4 Geo. C. Dowell
5 Samuel E. West
6 J. A. Willis
7 James W. Cochran
8 J. S. Moore
9 S. Perry Figer
10 Chas. S. Showalter
11 Jacob M. Hilbert
12 Geo. W. Arrentrout

Commonwealth.

©

Curtis Reedy.

David W. Whitmer
Chas. T. Myers.
Saml. C. Gordon
Geo. C. Dwell
Samuel. E. Brast.
J. A. Hills.
~~Peter S. Hartman~~
James W. Calhoun
J. S. Moore
D. Perry Fifer
~~Jacob H. Bowman~~
Chas. S. Thwaites
Jacob M. Hilbert.
Geo. W. Armentrout.
~~C. H. Nichols~~
~~D. D. Harrison~~

Thomas. Smith.
2 — 4 — 1.16

Com. vs.

Curtis Reedy

Monday Feb. 10th 1908.

Witnesses for Com.

(1) Dr. Dodd
(2) Albert See
(3) Jack Shultz
(4) Monroe Lantz
(5) Katie Stroff (or Reedy)
(6) Dewitt Ritchie -
(7) Ed. Reedy -
(8) Peter Miller
(9) Frank Mill
(10) Daniel Sayers.
(11) Thos. Smith
(12) Capt. John Smith
(13) Dertie Beeler
(14) Crawford Neff -
(15) S. M. Mohler -

THE NEWS-REGISTER CO., HARRISONBURG, VA. } SUBPOENA.

The Commonwealth of Virginia.

To the ~~Constable~~ Sheriff of Rockingham ~~District~~---Greeting:

You are hereby commanded to summon D. Dodd, Albert See, Jack Shultz, Monroe Lamb, Katie Brock or Reed, Dewitt Ritchie, Ed Reedy, Peter Miller, Frank Coll, Samuel Myers, Thos. Smith, Capt. John Smith, Gertie Bealer, Crawford Neff, and S. M. Mohler.

to appear before Wm. J. Points, *a Justice of said District, at* Harrisonburg *on the* 10th *day of* February, 1908 at 10 AM, *to testify and the truth to say on behalf of* The Commonwealth of Virginia

in a certain matter of controversy in said Court depending and undetermined, between said Commonwealth and Curtis Reedy

And this they *shall in no wise omit, under the penalty of £100. And thave then and there this Writ.*

Witness Wm. J. Points, *Justice of the Peace, the* 5th *day of* February, 1908, *and in the* 132nd *year of the Commonwealth.*

Wm. J. Points *J. P.*

Executed Feb 7 by delivering a true office copy of the within Summons to Each of the within named except Thomas Smith served on his mother Melie Smith at her Place of abode & Capt John Smith on his wife Melie Smith Bal in P in person

J. T. Lam Deputy for

E. J. CARICKHOFF, S. R. C.

Commonwealth of Virginia
Co } Commonwealth of Va
Custis Reeds
Summons
D. Dorton
Colbert Lee
Minnor Lewis
Nate Wright
Reeds
Deceit Reeds
Ed Reeds
Peter White
Frank Will
Lucinda Wingo
Geo. Lewis
Capt. John Smith
Curtis Reeder
Crawford Neff
S. M. Miller
Feb 10/07 at 10 A.M.

SHERIFF FEE $ 4.80

THE NEWS-REGISTER CO., HARRISONBURG, VA. } SUBPOENA.

The Commonwealth of Virginia.

To the ~~Constable~~ Sheriff of Rockingham ~~District~~ Greeting:

You are hereby commanded to summon D. Ritchie, Joe Shultz, Martin Mohler, J. W. Myers, Harvey Smith, Jack Shultz, Mrs. Minnie Shultz

to appear before Wm. J. Poindt, *a Justice of said District, at* Harrisonburg at 10 Am *on the* 10th *day of* February, 1908, *to testify and the truth to say on behalf of* Curtis Reedy (Deft.)

in a certain matter of controversy in said Court depending and undetermined, between said Defendant and Commonth of Virginia

And this they *shall in no wise omit, under the penalty of £100. And thave then and there this Writ.*

Witness Wm. J. Poindt, *Justice of the Peace, the* 5th *day of* February, 1908, *and in the* 132nd *year of the Commonwealth.*

Wm. J. Poindt J. P.

Executed Feb 7 by delivering a true office copy of the within Summons to Dewit Belcher & Jos Shultz Martin Mohler J W Moyer Harvey Smith Jack Shultz Mrs Minie Shultz in person

J T Lam Deputy for

E. J. CARICKHOFF, S. R. C.

Curtis Reeds
ads { Defts. Atty
Costs 1/ Mar

Witness
D. Bitteler
Joe Shultz
Martin Mohler
J. W. Moyer
Harvey Smith
Jack Shultz
Mrs. Minnie Shultz

To Feb. 10/80 $1.00

SHERIFF FEE $ 2.10

THE NEWS-REGISTER CO., HARRISONBURG, VA. } SUBPOENA.

The Commonwealth of Virginia.

To the ~~Constable~~ Sheriff of Rockingham District---Greeting:

You are hereby commanded to summon

Jacob Baker and Chas. T. Acke

to appear before Wm. J. Pounds, *a Justice of said District, at* Harrisonburg *on the* 24th *day of* February, 1908, at 10 A.M. *to testify and the truth to say on behalf of* the Commonwealth of Virginia

in a certain matter of controversy in said Court depending and undetermined, between said Commonwealth and Curtis Reedy

And this they *shall in no wise omit, under the penalty of £100. And thave then and there this Writ.*

Witness Wm. J. Pounds, *Justice of the Peace, the* 17th *day of* February, 1908, *and in the* 132nd *year of the Commonwealth.*

Wm. J. Pounds, J. P.

Executed, Feb 17./1908. By Delivering to Charls Acker & Jacob Baker. Each in person a true copy of the within summon,

W. L. Dillard --Deputy FOr,

E. J. CARICKHOFF. S. R. C.

Comm. of Va
vs.
Curtis Reed
Summons
Jacob Baker
Chas. T. Acker
Feb. 24/08 at 10 o'clock a.m.

SHERIFF FEE $ 6 0.

THE NEWS-REGISTER CO., HARRISONBURG, VA. } SUPOENA.

The Commonwealth of Virginia.

To the ~~Constable~~ Sheriff of Rockingham District---Greeting:

You are hereby commanded to summon D. Ritchie, Joe Shultz, Martin Mohler, Jud Morris, Harvey Smith, Jack Shultz, and Mrs Minnie Shultz

to appear before Wm. J. Points, *a Justice of said District, at* Harrisonburg, *on the* 1st *day of* February, 1908, at 2 P. M., *to testify and the truth to say on behalf of* ~~the Commonwealth of Virginia~~ Curtis Reedy

in a certain matter of controversy in said Court depending and undetermined, between ~~said~~ Commonwealth and Curtis Reedy

And this they *shall in no wise omit, under the penalty of £100. And thave then and there this Writ.*

Witness Wm. J. Points, *Justice of the Peace, the* 27th *day of* January, 1908, *and in the* 132nd *year of the Commonwealth.*

Wm. J. Points J. P.

Executed Jan 27 1908 By delivering a true Office Copy of the within in Nelson County to Lam Deputy for C. Carothers S.R.C.

Curtis Reeds

ads

Commonwealth of Va

Summons

D. Ritchie
Joe Shultz
Martin Mohler
Jud Morris
Harvey Smith
Jack Shultz
Mrs. Minnie Shultz

To Feb 1/08 at 10 Am.

SHERIFF FEE $ 1.40

The News-Register Co., Harrisonburg, Va. } SUBPOENA.

The Commonwealth of Virginia.

To the ~~Constable~~ Sheriff of Rockingham ~~District~~---Greeting:

You are hereby commanded to summon Aug. Spitzer, Sam Smith, Newton Neff, and Chas. Empseville

to appear before Wm. J. Poirit, *a Justice of said District, at* Harrisonburg at 10 Am *on the* 24th *day of* February, *190*8, *to testify and the truth to say on behalf of* Curtis Reedy Deft.

in a certain matter of controversy in said Court depending and undetermined, between said Curtis Reedy and the Commonwealth of Virginia

And this they *shall in no wise omit, under the penalty of £100. And have then and there this Writ.*

Witness Wm. J. Poirit, *Justice of the Peace, the* 15th *day of* February, *190*8, *and in the* 132nd *year of the Commonwealth.*

Wm. J. Poirit *J. P.*

Executed Feb 20 1908 By delivering this
office copy of the within Summons unto Charles Stutzer
Sam Smith Wm Neff Charles Schmidt
in person. J. Adam, J.S. for E. J. Conkhoff
S.R.C.

Curtis Reed,
adj'g Deft's Atty
Comm'th of Va
vs
Summons
Aug. Spitzer
Sam Smith
Newton Neff
Chas. Empswiller
Feb. 24/08 at 10 AM

SHERIFF FEE $ 8.0

Dr Points:-

Please summon, in Com^th v Reedy:

Witnesses for Reedy.

~~Jacob Myers~~

Aug. Spitzer

Sam Smith

Newton Neff

Chas. Empswiller

N. V. Deckert

T. Ritchie
Joe Shultz
Martin Mohler
~~Jed Morris~~ J. W. Myers
Harvey Smith
Jack Shultz
Mrs. Minnie Shultz.

D. O. DECHERT,
ATTORNEY AT LAW,
HARRISONBURG, VIRGINIA.

2/4/08.

Dear Doctor! –

By mistake, I gave you the name of J. W. Morris as a witness for Reedy, instead of J. W. Myers, who is the witness wanted. Will you kindly issue summons in the true name?

Yours,

D. O. Dechert

D. O. Decker,
ATTORNEY AT LAW,
HARRISONBURG, VIRGINIA.

2/7/08.

Dear Doctor:—

I am sorry to see by the papers of J. W. Moore as a witness for Early's widow against J. W. Moore & that the witness mentioned lived in our Family. Please remember me to the true women &c.

Yours
D. O. Decker

Curtis Rudy Fairlett
received burial service
Monday July 24/08 at
10 o'clock A. M.
Hubberton B. C.

NEWS-REGISTER,
HARRISONBURG, VA.

ARREST WARRANT.

COMMONWEALTH OF VIRGINIA,
ROCKINGHAM COUNTY, } TO-WIT:

To J. J. Lam Deft Sheriff, a Constable of said County:

WHEREAS, R. D. Reedy of the said county, has this day made complaint and information on oath before me, Geo A Neff a Justice of the said county, that Curtis Reedy of the said county, on the 25th day of January 1905, in the said county, did unlawfully Shoot Me with Shot guns and Damage My Dwelling House by Breaking out some of the windows: He shot Me with one load of shot which hurts Me very badly and he tryed his best to Kill Me when he Shot Me with intent to main, disfigure and kill me

These are therefore, in the name of the Commonwealth of Virginia, to command you forthwith to apprehend and bring before me, or some other Justice of the said County, the body of the said Curtis Reedy to answer the said complaint, and to be farther dealt with according to law. And you are required to summon

to appear and give evidence in behalf of the Commonwealth, on the examination touching the said offence.

Given under my hand and seal this 26th day of January, in the year 1905.

Geo A. Neff J. P. [SEAL.]

Bailed in the sum of $1500 to write Honor F. Moore to appear, to answer to a charge of larceny, to appear before Judge of Court or some other officer who may be present to try case at Office in Harrisonburg Va. on Saturday the 1st day of February 1908 at 10 o'clock A.M. from under my hand this 27th day of January 1908

Geo. J. Pritchett J.P.

Bail received with Honor F. Moore and Fred. B. Hill as security in sum of $1500 each to appear before undersigned at 10 o'clock A.M. on Saturday Feby 1 1908

Geo. J. Pritchett J.P.

Commonwealth

vs. } Arrest Warrant.

Curtis Reedy

Executed the within warrant by arresting and delivering the body of Curtis Reedy before M. J. Pointer a Justice of Rockingham County and by summoning the within named witnesses in person, this 27 day of January 1908

~~Constable~~ of Rockingham County.

J. N. Lam Deputy Sheriff for E. J. Carrickhoff S.R.C.

Commd to Wash 3/08 10 A.M. at County Jail upon the Petition of Curtis Reedy with a case from Justice Court Feby 24/08.

Geo. J. Pritchett J.P.

Jan. 27. 1908. The within named Curtis Reedy is brought before me, and is committed with his consent to Rockingham County Jail for further examination until Saturday, Jan. 30 at 10 o'clock A.M.

Geo. J. Pritchett J.P.

Feb. 1/08 Affran motion of Commwealth

Feb. 10/08 Cont'd to Feb. 24/08

Feb. 24/08 Cont'd to March 2/08 on Motion of Commwealth

Geo. J. Pritchett J.P.

If you find the prisoner not guilty you will say so and no more.

If you find the prisoner guilty in manner & form as charged in the indictment you will say so and ascertain his punishment which shall be confinement in the penitentiary not less than one year nor more than ten ~~or if you find the~~ prisoner not guilty of wilful & malicious assault as charged in the indictment but guilty of unlawful assault with intent to maim disfigure disable or kill P. A. Rudy you will say so & ascertain his punishment which shall be confinement in the penitentiary not less than one nor more than five years or confinement in jail not exceeding twelve months & fined not exceeding $500.

If you find the prisoner not guilty of either of the felonies aforesaid but guilty of assault & battery you will say so & ascertain his punishment which shall be fine of not less than $5.00 or confinement in jail or both.

M. J. Carrington's said judg't is not a lien on said land.

Harrisburgen & Harrisburgen
atty for Exceptants

Curtis Reply

Refused

~~Given~~

Not applicable to evidence & mis-leading - so far as correct sufficiently covered by other instructions

The jury are instructed that even though they may believe from the evidence that at the time of the shooting of Phillip A. Reedy the defendant, Curtis Reedy, was present upon his premises, yet unless they believe, beyond every reasonable doubt from the evidence, either that he, the said Curtis Reedy, fired the shot whereby the said Phillip A. Reedy was injured, or that besides being present, the said Curtis Reedy was aiding and abetting the party who did fire said shot, they must find the defendant not guilty.

Corr.

Recd

Asst. Repres.

1st Refused

The jury are instructed that even though they may believe that on the afternoon of the 25th of January, 1908, the defendant, Curtis Reedy, in a conversation with Jacob Myers by telephone, used the language attributed to him by witnesses for the Commonwealth, namely, "We can't do that to-night; it don't suit some of the parties; can't shoot without a gun; got no money.", yet they cannot consider that as evidence in itself of any plan or arrangement wherein the defendant, Curtis Reedy, was a participant for the doing of any unlawful act against Phillip A. Reedy.

Com.
v
Reedy

Instructions
refused

The Court instructs the jury that if they believe, from the evidence, a serious wound was inflicted by the prisoner upon Phillip Reedy, with a gun in the previous possession of the prisoner, the law presumes malice from the fact of such shooting and wounding.

The Court instructs the jury that though they believe from the evidence that Curtis Reedy did not actually fire the shot which wounded Phillip A. Reedy, yet if they believe said shot was fired at said Phillip A. Reedy by some other person with intent to maim, disfigure, disable or kill said Phillip A. Reedy, and said Curtis Reedy was present aiding or abetting in the said offense, then the jury may find the said Curtis Reedy guilty, as though he had personally fired said shot.

Given

The Court instructs the jury that every person charged with crime is presumed to be innocent until he is proven guilty beyond every reasonable doubt, and that if the Commonwealth has failed to prove by the evidence in this case any fact essential to their belief in the guilt of the accused, beyond every reasonable doubt, it is their duty to acquit the prisoner.

Given

The Court instructs the jury that it is not incumbent upon the defendant in this case to point out by evidence any other person as the perpetrator of the offense charged in the indictment, but that he is entitled to be acquited unless the evidence shows, beyond every reasonable doubt that the defendant is guilty of the crime.

Given

The Court instructs the jury that in the absence of any evidence showing or tending to show that prior to the commission of the offense charged in the indictment, there had been any arrangement or plan agreed upon between Curtis Reedy and Jacob Myers for the perpetration of an unlawful act against Phillip A. Reedy, they cannot consider as evidence against the defendant, Curtis Reedy, any act or declaration on the part of the said Jacob Myers, even though they may believe that such acts or declarations on the part of Jacob Myers show or tend to show that he may have had some connection with the offense charged in the indictment, unless they further believe from the evidence beyond all reasonable doubt, that Curtis Reedy either fired the shot that wounded Philip Reedy, or was present aiding and abetting the party who did fire the shot

Given

The jury are instructed that even though they may believe from the evidence, beyond every reasonable doubt, that the shooting of Phillip A. Reedy was in consequence of some previous plan or arrangement to which Curtis Reedy, the defendant, was a party, that nevertheless, if they further believe that by the telephone conversation between the said Curtis Reedy and the said Jacob Myers, shown to have occurred on the afternoon of the 25th day of January 1908, the said Curtis Reedy announced his intention to abandon, so far as he was concerned, such plan or arrangement, then unless they further believe from the evidence that such plan or arrangement was subsequently renewed on the part of said Curtis Reedy, or that he was actually present and fired the shot which wounded Phillip A. Reddy, or was then and there aiding or abetting the person who did fire such shot, they must find the defendant not guilty.

Guilty

Given

The Court instructs the jury that although the burden rests upon the Commonwealth to make out its case against the accused, Curtis Reedy, to the exclusion of any reasonable doubt, yet where said Curtis Reedy relies upon or attempts to prove an alibi in his defense the burden of proof said alibi rests upon said Curtis Reedy.

Thompson vs. Commonwealth 88 Va. page 45.

13 S. E. Rep. 304.

Open

The Court instructs the jury that although the burden rests upon the Commonwealth to make out its case against the accused, Curtis Reedy, to the exclusion of any reasonable doubt, yet where said Curtis Reedy relies upon or attempts to prove an alibi in his defense the burden of proof said alibi rests upon said Curtis Reedy.

Thompson vs. Commonwealth 88 Va. page 46.

12 S. E. Rep. 304.

Commonwealth of Virginia,

COUNTY OF ROCKINGHAM, To-wit:

IN THE CIRCUIT COURT OF SAID COUNTY:

The jurors of the Commonwealth of Virginia, in and for the body of the County of Rockingham, and now attending the said Court at its March term, in the year 1908, upon their oaths present that Curtis Reedy and Jacob Myers on the 21st day of January, in the year 1908, in the said County, did with a certain gun there and there loaded with gun powder and leaden shot feloniously and with their malice aforethought did shoot one Philip A. Reedy with intent him the said Philip A. Reedy then and there to mair, disfigure, disable and kill.

against the peace and dignity of the Commonwealth of Virginia.

Upon the evidence of P. A. Reedy, Harvey Smith, Dr Brewer John Myers D. F. Ritchie, Katie Strause, witness... sworn in open Court and sent to the Grand Jury to give evidence.

.....Clerk.

Commonwealth

vs. { INDICTMENT. for a Felony

Curtis Bredy & Jacob Myers

A TRUE BILL.

J. B. D. Rhodes

Foreman.

Friday March 20/08

March Term 1908
arraigned. N. G.
Jury & Verdict
of N. G.
Nol. Pros.
as to Myers

We the jury find the prisoner not guilty.

Alex Rice

Foreman